

REMARKS

This responds to the Office Action mailed September 14, 2005 in which claims 19-23 are currently pending. None of the pending claims are amended herein. Claims 19-23 have been rejected as anticipated by Tanguay et al., U.S. Pat. No. 5,568,574 ("Tanguay"). Reconsideration of the claims in light of the following Remarks is respectfully requested.

Failure to Consider Certain Information Disclosure Statement References

As an initial matter, the Office Action states that the technical papers identified in the IDS submitted on September 30, 2003 were not considered "because there are no copies of the technical papers provided." It is respectfully noted that, pursuant to 37 C.F.R. §1.98(d)(1) and (2) copies were not required to be submitted.

37 C.F.R. §1.98(d)(1) requires proper identification of the earlier application in the IDS and that the earlier application be relied upon for an earlier effective filing date. In addition, 37 C.F.R. §1.98(d)(2) requires that the IDS that was filed in the parent complied with §1.98(a)-(c). Both sections have been satisfied.

The Information Disclosure Statement itself at page 1 (submitted with the instant application and Preliminary Amendment and available on the IFW system) fully complied with 37 C.F.R. §1.98(d)(1), as did the section of the "Application Transmittal" (at the top of page 3) in the section entitled "Information Disclosure Statement." Both identified the parent application by serial number and filing date and noted that the instant application claimed priority from that application pursuant to 35 U.S.C. §120.

Still further, the parent application, now U.S. Pat. No. 6,633,421, lists the very publications on its face that were not considered in the instant application – irrefutable evidence that those references were cited in the parent application in compliance with §1.98(a)-(c).

Moreover, the “Remarks” accompanying the Preliminary Amendment, adding the claims that are presently under examination, further established Applicants’ entitlement to have the listed technical papers considered without providing copies, those Remarks are verbatim repeated as follows:

This application is a continuation of co-pending application serial no. 10/180,610 which has been allowed. . . . Pursuant to 37 C.F.R. §§1.97 and 1.98, please consider all the art cited in the parent application. For the Examiner’s convenience a Form PTO-1449 listing all references submitted in the parent application is provided. Pursuant to 37 C.F.R. §1.98(d)(1) and (2) it is understood that provision of copies of these references is not necessary. However, if the Examiner needs a replacement copy of any cited reference it can and will be provided upon request. (Preliminary Amendment at p. 5).

Accordingly, it is respectfully re-requested that the Examiner consider the listed technical papers and acknowledge as much with the next paper by initialing a new copy of the previously submitted PTO-1449 that is available in the IFW system.

Response to the Claim Rejections Under §102

Claims 19-23 have been rejected, under 35 U.S.C. §102 as anticipated by Tanquay. The rejection is respectfully traversed for the following reasons.

In rejecting claim 19, the Office Action asserts, with reference to FIG. 3 of Tanquay, that element 10 satisfies the “means for driving” limitation. In addition, the Office Action asserts that elements 16a-b are multiple lasers arranged in a two-dimensional array. In both cases, the Office Action is in error. Element 10 of Tanquay is a waveguide and elements 16a-b are merely gratings on that waveguide – all passive devices. Tanquay at col. 7, lines 32-50 states as follows:

In one possible implementation, the optical power bus 10 comprises an integrated optical waveguide 12, fabricated on one surface of an optically-polished substrate 14. The integrated optical waveguide is segmented into an array of parallel rib or channel waveguides by means of photolithographically-defined chemical or dry etching (reactive ion etching, ion beam milling, or reactive ion beam etching). Each such rib or channel waveguide is further modified by a one-dimensional array of photolithographically-defined and etched outcoupling gratings 16a and 16b that serve to direct light out of the

waveguide into the third (vertical) dimension. The angle of the outcoupled beam with respect to the substrate surface is controllable by suitable design of the outcoupling grating. Such redirection of the outcoupled beams by means of diffraction is analogous to the general function of serial-to-parallel conversion, or to the general function of a tapped signal line. The effect of the aggregate array of outcoupling gratings is to provide both an optical beamsplitter function and an optical spot array generator function in a compact, planar geometry. (emphasis added).

Indeed, the passage cited to by the Office Action does not disclose what is attributed to it, but rather completely comports with the above passage, stating:

The novel optical power bus described above is an essential element of the invention, in that it provides the key capability for parallel illumination of a reflective or transmissive modulator array in a highly compact geometry. This capability is illustrated in FIG. 3, which depicts a schematic diagram of the optical power bus 10 proximity-coupled to a transmissive modulator array 30. In practice, it will be appreciated by those skilled in the art that the optical power bus will optimally be bonded to the transmissive modulator array substrate 31. Preferred means for such substrate-to-substrate bonding include the use of die-attach epoxy, optical cement, or flip-chip bonding techniques. As can also be inferred from FIG. 2, the distribution of outcoupling gratings is assumed to be arranged in such a manner as to match the distribution of individual modulator elements, such that each individual outcoupling grating (16a, 16b) can be aligned with its associated modulator element (30a, 30b, respectively) as shown in FIG. 3. (Col. 8, lines 47-65)(emphasis added).

Thus, properly understood, Tanquay has no “means for driving” at all and thus fails to satisfy at least the “means for driving multiple lasers arranged in a two-dimensional array defining a plane” and, consequently, the “means, located between the means for driving and the means for modulating, for electrically connecting the means for driving to the means for modulating while electrically bypassing the lasers” elements of claim 19.

Still further, lacking the “means for driving”, Tanquay also fails to satisfy the “means for driving, means for electrically connecting and the means for modulating being integrated together as a stack” element of claim 19.

Accordingly, claim 19 is distinguishable over Tanquay and withdrawal of the rejection of claim 19 is respectfully requested.

Claim 20 directly depends from claim 19 and claim 21 depends from claim 19 through claim 20. Accordingly, those claims are not anticipated by Tanquay for the same reasons.

Claims 22-23, also ultimately depend from claim 19. Thus, as stated with respect to claim 19, there is no "means for driving" in Tanquay. Consequently, Tanquay can't disclose something between a "means" that it does not have and anything else. For this further reason, claims 22-23 are allowable over Tanquay and the rejection should be withdrawn.

Accordingly, it is respectfully submitted that all of the pending claims are allowable and early favorable action in that regard is respectfully requested.

In the event that a telephone conference would facilitate prosecution of the instant application in any way, the Examiner is invited to contact the undersigned at the number provided.

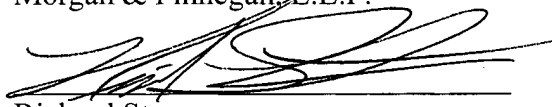
AUTHORIZATION

No other fee is believed necessary for consideration of this Response on the merits, however, should any additional fees be due, the Commissioner is hereby authorized to charge any such fees which may be required, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 4024-4044US2.

Respectfully submitted,
Morgan & Finnegan, L.L.P.

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By:


Richard Straussman
Reg. No. 39,847

CORRESPONDENCE ADDRESS:
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, New York 10154-0053
Tel.: (212) 758-4800/Fax: (212) 751-6849